

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAMMEYIN A. JOHNSON,	§	No. 264, 2006
	§	
Defendant Below,	§	Court Below—Superior Court
Appellant,	§	of the State of Delaware, in
	§	and for New Castle County.
v.	§	
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	Cr. ID No. 9709009665

Submitted: June 5, 2006
Decided: August 9, 2006

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 9th day of August 2006, upon consideration of the appellant's untimely notice of appeal,¹ the Clerk's notice directing the appellant to show cause why the appeal should not be dismissed, and the appellant's response to the notice to show cause, it appears to the Court that this appeal should be dismissed. The appellant's failure to timely file his notice of appeal is not attributable to court-related personnel. Consequently, this case does not fall

¹The notice of appeal was filed on May 30, 2006 from an order of the Superior Court docketed on April 18, 2006. *See* Del. Supr. Ct. R. 6(a) (providing for thirty-day period to file notice of appeal).

within the exception to the general rule that mandates the timely filing of a notice of appeal.²

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

²*Bey v. State*, 402 A.2d 362, 363 (Del. 1979).